Appln No. 10/812,859
Reply to Office Action of February 25, 2005

REMARKS/ARGUMENTS

The Office Action dated February 25, 2005, has been reviewed and the comments carefully considered.

In the Office Action, various issues and questions are raised concerning the description of the variety. By the amendments in the accompanying Substitute Specification, Applicant has made a bona fide effort to address all issues and questions.

Applicant notes that the Examiner has advised that new drawings are **not** required in view of the formal drawings submitted on August 13, 2004.

Applicant notes that the IDS submitted on March 29, 2004, has not been acknowledged in the Office Action. A copy of this IDS is submitted with this reply to the Office Action, and the Examiner is respectfully requested to acknowledge receipt thereof.

In view of the foregoing amendment and response, it is believed that the application is in condition for allowance and, accordingly, reconsideration and allowance is earnestly solicited.

If any questions remain regarding the allowability of the application, Applicant would appreciate if the Examiner would advise the undersigned by telephone.

The Commissioner is hereby authorized to charge any fees under 37 CFR 1.16 and 1.17 which may be required by this paper to Deposit Account No. 03-1728. Please show our docket number with any charge or credit to our Deposit Account.

Respectfully submitted,
CHRISTIE, PARKER & HALE, LLP

By Cynthia A. Bonner
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SUBSTITUTE SPECIFICATION
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CALIBRACHOA PLANT NAMED 'SUNBEL-LABU'

Botanical Designation

Calibrachoa sp.

Variety denomination: 'Sunbel-labu'

BACKGROUND OF THE VARIETY

The present invention relates to a new variety of Calibrachoa plant, which originated from the crossing of a Calibrachoa hybrid variety, botanically known as Calibrachoa sp., with '9LB6' as the female parent and '9LB1' as the male parent.

The female parent '9LB6' (unpatented) used in the crossing to produce 'Sunbel-labu' is a strain of our breeding lines having light purple flowers (near R.H.S. N82B). The flower of '9LB6' is smaller than that of 'Sunbel-labu'.

The male parent '9LB1' (unpatented) used in the crossing to produce 'Sunbel-labu' is a strain of our breeding lines, having light purple flowers (near R.H.S. N81C). The plant height of '9LB1' is higher than that of 'Sunbel-labu'.

In April 2000, crossing of '9LB6' as the female parent and '9LB1' as the male parent was conducted at Yokaichi-shi, Shiga-ken, Japan. In September 2000, fifty seedlings were obtained from that crossing. These seedlings were grown in pots in glasshouses and were evaluated. One seedling was selected in view of its growth habit, flower size and color in September 2001. That seedling was propagated by cutting and a trial was carried out by flower potting and bedding from April to October 2002. The botanical characteristics of that plant were then examined, using similar varieties 'Sunbelchipi' (U.S. Plant Patent Number 10,355) and 'Sunbelkubu' (U.S. Plant Patent Number 10,279) for comparison. As a result, it was concluded that this Calibrachoa plant is distinguishable from any other variety, whose existence is known to us, and is uniform and stable in its characteristics. The new variety of Calibrachoa plant was named 'Sunbel-labu'.

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In the following description, the color-coding is in accordance with the Horticultural Colour Chart of The Royal Horticultural Society, London, England (R.H.S.).

SUMMARY OF THE VARIETY

This new variety is unlike any commercially available Calibrachoa known to the inventors as evidenced by the following unique combinations of characteristics.

1. Spreading growth habit with abundant branching.
2. A great profusion of blooms, with the entire plant remaining in bloom for a considerable period of time.
3. The flowers are single and very small. The petal color is light purple (near R.H.S.76A) with deep reddish purple (near R.H.S.77A) midvein.
4. The plant has a high resistance to rain, cold, heat and diseases.

The new variety 'Sunbel-labu' differs from the similar variety 'Sunbelchipi' in the following points.

1. The leaf of 'Sunbel-labu' is smaller than that of 'Sunbelchipi'.
2. The petal color of 'Sunbel-labu' is light purple (near R.H.S.76A) with deep reddish purple (R.H.S.77A) midvein, while that of 'Sunbelchipi' is vivid purplish red (near R.H.S.N57A).
3. The bottom color of the corolla throat of 'Sunbel-labu' is vivid yellow (near R.H.S. 14B) , while that of 'Sunbelchipi' is strong yellow (near R.H.S.9A).
4. The outside color of the corolla tube of 'Sunbel-labu' is dark pink (near R.H.S. 182C) , while that of 'Sunbelchipi' is brilliant yellow (near R.H.S. 5C).
5. The apex shape of petal of 'Sunbel-labu' is rounded, while that of 'Sunbelchipi' is obtuse.

The new variety 'Sunbel-labu' differs from the similar variety 'Sunbelkubu' in the following points.

1. The growth habit of 'Sunbel-labu' is spreading, while that of 'Sunbelkubu' is decumbent.

2. The leaf length of 'Sunbel-labu' is shorter than that of 'Sunbelkubu'.

3. The petal color of 'Sunbel-labu' is light purple (near R.H.S.76A) with deep reddish purple (near R.H.S.77A) midvein, while that of 'Sunbelkubu' is vivid purple (near R.H.S.N81A).

4. The bottom color of the corolla throat of 'Sunbel-labu' is vivid yellow (near R.H.S.14B, while that of 'Sunbelkubu' is brilliant yellow (near R.H.S.5C).

5. The outside color of the corolla tube 'Sunbel-labu' is dark pink (near R.H.S.182C) , while that of 'Sunbelkubu' is pale yellow green (near R.H.S.1D).

6. The apex shape of the petal of 'Sunbel-labu' is rounded, while that of 'Sunbelkubu' is obtuse.

This new variety of Calibrachoa plant 'Sunbel-labu' was asexually reproduced by the use of cuttings in Yokaichi-shi, Shiga-ken, Japan, and homogeneity and stability were confirmed. The instant plant retains its distinctive characteristics and reproduces true to type in successive generations.

BRIEF DESCRIPTION OF THE PHOTOGRAPHS

The depicted plants had been reproduced by the use of cuttings and were photographed during September 2002 while growing outdoors in 24 cm pots at an age of approximately 8 months at Yokaichi-shi, Shiga-ken, Japan.

Fig. 1 is a photograph of a typical plant of the new variety of Calibrachoa plant 'Sunbel-labu' while growing in a pot.

Fig. 2 is a photograph of a close view of flowers and leaves of the new variety of Calibrachoa plant 'Sunbel-labu'.

DESCRIPTION OF THE VARIETY

The following botanical characteristics of the new and distinct variety of Calibrachoa plant named 'Sunbel-labu' were observed for plants growing outdoors

in 24 cm pots at an age of approximately 9 months in Yokaichi-shi, Shiga-ken. During the production period, the average day temperature is approximately 22°C, the average night temperature is approximately 12°C.

Plant:

Growth habit. - Spreading.

Plant height. - Approximately 14.3 cm.

Spreading area of plant. - Approximately 45 cm.

Blooming period. - April to late October in the southern Kanto area, Japan. The plant shape does not change throughout this period.

Stem:

Thickness. - Approximately 1.4 mm.

Length. - Approximately 20 cm.

Pubescence. - Sparse.

Branching. - Abundant branching, especially lateral branching.

Internode length. - Approximately 0.7 cm.

Color. - Young, near R.H.S. 144B, mature, near R.H.S. 200C.

Leaf:

Whole shape. - Lanceolate. The shape of the apex is acute, and the shape of the base is attenuate.

Margin. - Entire

Length. - Approximately 1.8 cm.

Width. - Approximately 0.8 cm.

Color. - Upper side color is near R.H.S. 146A (moderate olive green). Bottom side color is near R.H.S. 146B (moderate yellow green).

Thickness. - Approximately 0.4 mm.

Pubescence. - Sparse.

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Flower:

Facing direction. - Slanted upward.

Type. - Single.

Shape. - Funnel-shape, with five-fissured limb.

Shape of petal chip. - Rounded.

Lobation. - Shallow

Waviness of petal. - Weak.

Diameter. - Approximately 2.5 cm.

Throat Diameter. - Approximately 9.0 mm.

Corolla tube diameter (distal end). - Approximately 3.5 mm.

Corolla tube length. - Approximately 13.0 mm.

Color. - Petal (upper and lower surface near R.H.S. 76A (light purple) with near R.H.S. 77A (deep reddish purple) midvein. Bottom color of the corolla throat; near R.H.S. 14B (vivid yellow). Outside color of the corolla tube; near R.H.S. 182C (dark pink).

Reproductive organs. - 1 normal pistil and 5 normal stamens. The stigma is club-shaped and near R.H.S.N144D (light yellow green) in coloration. The style is approximately 6 mm in length and near R.H.S. 145B (brilliant yellow green) in coloration. The ovary is near R.H.S. N144D (light yellow green) in coloration. The stamens commonly are of variable length from approximately 4.6 to 6.6 mm. Pollen is formed in a quantity that is typical of a Calibrachoa plant and is near R.H.S.15D (light yellow) in coloration.

Fertility. - Fertile, but self-incompatible.

Peduncle. - Approximately 0.6 mm in diameter and approximately 0.7 cm in length. The texture is smooth.

Calyx. - Narrow with 5 sepals fused at the base.

Seeds. - Scarce. Near R.H.S.N186A (strong red) in coloration, approximately 0.6 mm in diameter, and generally round.

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Physiological and ecological characteristics:

High resistance to cold, heat, rain and disease, such as powdery mildew. The resistance to heat and rain is very strong.

Blooming:

This new variety of Calibrachoa plant is most suitable for flower bedding and potting, particularly in hanging pots or planters. Pinching of old blossoms will enhance the formation of new blossoms.

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It is claimed:

A new and distinct variety of Calibrachoa plant named 'Sunbel-labu', substantially as herein illustrated and described.

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CALIBRACHOA PLANT NAMED 'SUNBEL-LABU'

ABSTRACT OF THE DISCLOSURE

Disclosed herein is a new and distinct variety of Calibrachoa plant having a spreading growth habit. The Calibrachoa plant has abundant branching, and a great profusion of blooms, the whole plant remaining in bloom for a considerable period of time. The flowers are single and very small, the petals having light purple color with deep reddish purple midvein. The bottom color of the corolla throat is vivid yellow and the outside of the corolla tube is dark pink. The plant exhibits high resistance to heat, cold, rain and disease.

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~~PETUNIA~~CALIBRACHOA PLANT NAMED 'SUNBEL-LABU'

Botanical/~~commercial classification~~ Designation

~~*Petunia*~~*Calibrachoa* ~~*hybrida*~~ *sp.*/~~Petunia Plant~~

Variety~~Varietal~~ denomination: ~~cv.~~ 'Sunbel-labu'

BACKGROUND OF THE VARIETY

The present invention relates to a new variety of ~~Petunia~~Calibrachoa plant, which originated from the crossing of a ~~Petunia~~Calibrachoa hybrid variety, botanically known as Calibrachoa sp., ~~called~~with '9LB6' as the female parent and '9LB1' as the male parent.

~~The Petunia is a very popular plant that is used for flower bedding and potting in the summer season. There are only a few Petunia developed series of small flower petunias, such as, 'SUNTORY SP R' (U.S. Plant Pat. No. 9557), 'Sunberubu' (U.S. Plant Pat. No. 9754), 'Sunbelchipi' (U.S. Plant Pat. No. 10,355) and 'Sunbelki' (U.S. Plant Pat. No. 11,558). These are of the spreading type, a medium plant height, abundant branching, and a high resistance to heat and rain and disease. However there are only a few varieties having a great profusion of flowers, light purple flower color, a very small flower size and a high resistance to rain, heat, and disease. Accordingly, this invention was aimed at obtaining a new Petunia variety having light purple colored petals, and very small flowers combined with the above features.~~

~~Progress~~

The female parent '9LB6' (unpatented) used in the crossing ~~of~~to produce 'Sunbel-labu' is a strain of our breeding lines~~, having an outwardly spreading growth habit with abundant branching. It has small single flowers, the petals~~ having light purple ~~color~~flowers (near R.H.S. N82B). The flower of '9LB6' is smaller than that of 'Sunbel-labu'.

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The male parent '9LB1' (unpatented) used in the crossing ~~of~~to produce 'Sunbel-labu' is a strain of our breeding lines, having ~~a spreading growth habit with many branches. It has small single flowers, the petals having a~~ light purple ~~color~~flowers (near R.H.S. N81C). The plant height of '9LB1' is higher than that of 'Sunbel-labu'.

In April 2000, crossing of '9LB6' as the female parent and '9LB1' as the male parent was conducted at Yokaichi-shi, Shiga-ken, Japan. In September 2000, ~~50~~fifty seedlings were obtained from that crossing. These seedlings were grown in pots in glasshouses and were evaluated. One seedling was selected in view of its growth habit, flower size and color in September 2001. That seedling was propagated by cutting and a trial was carried out by flower potting and bedding from April to October 2002. The botanical characteristics of that plant were then examined, using similar varieties 'Sunbelchipi' (U.S. Plant Patent Number 10,355) and 'Sunbelkubu' (U.S. Plant Patent[[.]] Numbere. 10,279) for comparison. As a result, it was concluded that this ~~Petunia~~Calibrachoa plant is distinguishable from any other variety, whose existence is known to us, and is uniform and stable in its characteristics. The~~n the~~ new variety of ~~Petunia~~Calibrachoa plant was named 'Sunbel-labu'.

In the following description, the color-~~cerding~~coding is in accordance with the Horticultural Colour Chart of The Royal Horticultural Society, London, England (R.H.S. ~~Colour Chart~~).

SUMMARY OF THE VARIETY

This new variety is unlike any commercially available ~~Petunia~~Calibrachoa ~~commercially available~~known to the inventors as evidenced by the following unique combinations of characteristics.

1. Spreading growth habit with abundant branching.

2. ~~Having a~~A great profusion of blooms, with the entire plant remaining in bloom for a considerable period of time.

3. The flowers are single and very small. The petal color is light purple (near R.H.S.76A) with deep reddish purple (near R.H.S.77A) midvein.

4. The plant has a high resistance to rain, cold, heat and diseases.

The new variety 'Sunbel-labu' differs from the similar variety 'Sunbelchipi' in the following points.

1. The leaf of 'Sunbel-labu' is smaller than that of 'Sunbelchipi'.

2. The petal color of 'Sunbel-labu' is light purple (near R.H.S.76A) with deep reddish purple (R.H.S.77A) midvein, while that ~~. That~~ of 'Sunbelchipi' is vivid purplish red (near R.H.S.N57A).

3. The bottom color of the corolla throat of 'Sunbel-labu' is vivid yellow (near R.H.S. 14B) , while that ~~. That~~ of 'Sunbelchipi' is strong yellow (near R.H.S.9A).

4. The outside color of the corolla tube of 'Sunbel-labu' is dark ~~yellowish~~ pink (near R.H.S. 182C) , while that ~~. That~~ of 'Sunbelchipi' is brilliant ~~greenish~~ yellow (near R.H.S. 5C).

5. The apex shape of petal of 'Sunbel-labu' is rounded, while that ~~. That~~ of 'Sunbelchipi' is obtuse.

The new variety 'Sunbel-labu' differs from the similar variety 'Sunbelkubu' in the following points.

1. The growth habit of 'Sunbel-labu' is [[S]]spreading, while that ~~. That~~ of 'Sunbelkubu' is decumbent.

2. The leaf length of 'Sunbel-labu' is shorter than that of 'Sunbelkubu'.

3. The petal color of 'Sunbel-labu' is light purple (near R.H.S.76A) with deep reddish purple (near R.H.S.77A) midvein, while that ~~. That~~ of 'Sunbelkubu' is vivid purple (near R.H.S.N81A).

4. The bottom color of the corolla throat of 'Sunbel-labu' is vivid yellow (near R.H.S.14B, while that ~~. That~~ of 'Sunbelkubu' is brilliant ~~greenish~~ yellow (near R.H.S.5C).

5. The outside color of the corolla tube 'Sunbel-labu' is dark ~~yellowish~~ pink (near R.H.S.182C), while that ~~That~~ of 'Sunbelkubu' is pale yellow green (near R.H.S.1D).

6. The apex shape of the petal of 'Sunbel-labu' is rounded, while that ~~That~~ of 'Sunbelkubu' is obtuse.

This new variety of ~~Petunia~~Calibrachoa plant 'Sunbel-labu' was asexually reproduced by the use of cuttings ~~at~~in Yokaichi-shi, Shiga-ken, Japan, and homogeneity and stability were confirmed. The instant plant retains its distinctive characteristics and reproduces true to type in successive generations.

BRIEF DESCRIPTION OF THE PHOTOGRAPHS

The depicted plants had been reproduced by the use of cuttings and were photographed during September 2002 while growing outdoors in 24 cm pots at an age of approximately 8 months at Yokaichi-shi, Shiga-ken, Japan.

~~FIG~~Fig. 1 is a photograph of a typical plant of the new variety of ~~Petunia~~Calibrachoa plant 'Sunbel-labu' while growing in a pot.

~~FIG~~Fig. 2 is a photograph of a close view of flowers and leaves of the new variety of ~~Petunia~~Calibrachoa plant 'Sunbel-labu'.

DESCRIPTION OF THE VARIETY

The following botanical characteristics of the new and distinct variety of ~~Petunia~~Calibrachoa plant named 'Sunbel-labu' ~~while~~were observed for plants growing outdoors in 24 cm pots at an age of approximately 9 months ~~at~~in Yokaichi-shi, Shiga-ken~~, Japan, are as follows:~~. During the production period, the average day temperature is approximately 22°C, the average night temperature is approximately 12°C.

Plant:

Growth habit. - Spreading.

Plant height. - Approximately ~~45.0~~14.3 cm.

Spreading area of plant. - Approximately ~~44.3~~45 cm.

Blooming period. - April to late October in the southern Kanto area, Japan. The plant shape does not change throughout this period.

Stem:

Thickness. - Approximately 1.4 mm.

Length. - Approximately 20 cm.

Pubescence. - Sparse.

Branching. - Abundant branching, especially ~~secondary~~lateral branchinges ~~are~~.

Internode length. - Approximately 0.7 cm.

Color. - Young, near R.H.S. 144B, mature, near R.H.S. 200C ~~(strong yellow green, grayish brown)~~.

Leaf:

Whole shape. - Lanceolate. The shape of the apex ~~shape~~ is acute, and the shape of the base ~~shape~~ is attenuate.

Margin. - Entire

Length. - Approximately 1.8 cm.

Width. - Approximately 0.8 cm.

Color. - Upper side color is near R.H.S. 146A (moderate olive green). Bottom side color is near R.H.S. 146B (moderate yellow green).

Thickness. - Approximately 0.4 mm.

Pubescence. - Sparse.

Flower:

Facing direction. - Slanted upward.

Type. - Single.

Shape. - Funnel-shape, with five-fissured limb.

Shape of petal chip. - Rounded.

Lobation. - Shallow

~~Waving~~Waviness of petal. - Weak.

Diameter. - Approximately 2.5 cm.

Throat Diameter. - Approximately 9.0 mm.

Corolla tube diameter (distal end). - Approximately 3.5 mm.

Corolla tube length. - Approximately 13.0 mm.

Color. - Petal (upper and lower surface[[;]] near R.H.S. 76A (light purple) with near R.H.S. 77A (deep reddish purple) midvein. Bottom color of the corolla throat; near R.H.S. 14B (vivid yellow). Outside color of the corolla tube; near R.H.S. 182C (dark ~~yellowish~~ pink).

Reproductive organs. - 1 normal pistil and 5 normal stamens. The stigma is club-shaped and near R.H.S.N144D (light yellow green) in coloration. The style is approximately 6 mm in length and near R.H.S. 145B (brilliant yellow green) in coloration. The ovary is near R.H.S. N144D (light yellow green) in coloration. The stamens commonly are of variable length from approximately 4.6 to 6.6 mm. Pollen is formed in a quantity that is typical of ~~*Petunia hybrida*~~a Calibrachoa plant and is near R.H.S.15D (light yellow) in coloration.

Fertility. - Fertile, but self-incompatible.

Peduncle. - Approximately 0.6 mm in diameter and approximately 0.7 cm in length. The texture is smooth.

Calyx. - Narrow[[.]] with 5 sepals ~~in~~ fused at the base.

Seeds. - Scarce. Near R.H.S.N186A (strong red) in coloration, approximately 0.6 mm in diameter, and generally round. ~~The quantity is typical of *Petunia hybrida*.~~

Physiological and ecological characteristics:

High resistance to cold, heat, rain and disease, such as powdery mildew. The resistance to heat and rain is very strong.

Blooming:

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This new variety of ~~Petunia~~Calibrachoa plant is most suitable for flower bedding and potting, particularly in hanging pots or planters. Pinching of old blossoms will enhance the formation of new blossoms.

SUBSTITUTE SPECIFICATION
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It is claimed:

A new and distinct variety of ~~Petunia~~Calibrachoa plant named 'Sunbel-labu', substantially as herein illustrated and described.

SUBSTITUTE SPECIFICATION
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~~PETUNIA~~CALIBRACHOA PLANT NAMED 'SUNBEL-LABU'

ABSTRACT OF THE DISCLOSURE

Disclosed herein is a new and distinct variety of ~~Petunia~~Calibrachoa plant having a [[S]]spreading growth habit. The ~~Petunia~~Calibrachoa plant has abundant branching, and a great profusion of blooms, the whole plant remaining in bloom for a considerable period of time. The flowers are single and very small, the petals having light purple color with deep reddish purple midvein. The bottom color of the corolla throat is vivid yellow and the outside of the corolla tube is dark ~~yellowish~~ pink. The plant exhibits high resistance to heat, cold, rain and disease.